

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

Brock Fredin,

Plaintiff,

v.

Jamie Kreil,

Defendant.

Case No. 0:20-cv-01929-SRN-HB

**JOINT MOTION REGARDING CONTINUED SEALING  
OF DOCUMENTS PURSUANT TO LOCAL RULE 5.6**

This joint motion is filed on behalf of Plaintiff Brock Fredin and Defendant Jamie Kreil in the above-captioned matter and is in compliance with L.R.5.6 relating to documents temporarily filed under seal in connection with the Plaintiff's Motion to Stay [Docket No. 192].

The following documents were filed under temporary seal:

Sealed Docket Number	Redacted Docket Number	Document Description	<b>Precisely Identify Information:</b> <ul style="list-style-type: none"> <li>• That the parties agree should remain sealed;</li> <li>• The parties agree should be unsealed;</li> <li>• About which the parties disagree.</li> </ul>	<b>Reason Why Document Should Remain Sealed or Be Unsealed</b>
205		Ex. A to Declaration of Anne M. Lockner: Pdf screen capture of Fredin's "Judicial Protest" YouTube channel currently hosted at <a href="https://www.youtube.com/channel/UC6IHGp7-YN7N5MsvoIDXJ_g/videos">https://www.youtube.com/channel/UC6IHGp7-YN7N5MsvoIDXJ_g/videos</a>	Defendant Kreil takes the position that the document should remain sealed.  Plaintiff Brock Fredin maintains this document must be public.	Kreil states that the document should remain sealed because it reflect content Fredin n an effort to harass and intimidate counsel and the Court in violation of the Court's Order [Dkt. 39]. The prejudicial effect of preserving it in the public record here outweighs the public interest in accessing it.  Fredin states the following: This is an important First Amendment case where the Court has granted an extraordinarily remedy of an injunction that effectively amounts to a prior restraint. An 8th Circuit Judge has issued a dissent and said that the Court overreached. The public

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				<p>has a right to know what's being said and what has been enjoined. The Court and Defendants have failed to provide a precedent where an entire Court record is sealed when something has been requested to be taken down. Defendants and their counsel are the ones who have caused harm upon themselves by bringing the issue to Court.</p> <p>Plaintiff has been enjoined without a jury, trial, or even a hearing. The public has a right to know what is being enjoined. There is a public interest in what went on. If Defendants and their counsel did not want it in the record, they should</p>

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				<p>have described it, sent links, rather than taken screenshots of content they're deliberately targeting for sealing.</p> <p><i>E.I. Du Pont De Nemours &amp; Co. v. Kolon Indus., Inc.</i>, Civil Action No. 3:09cv058 (E.D. Va. Apr. 20, 2012) (denying motion to seal where it was public knowledge that there was a grand jury investigation against the defendant.)</p> <p><i>Friedman v. Sebelius</i>, 672 F. Supp. 2d 54 (D.D.C. 2009) (holding that it is less harmful to release a document that was once public than to release one that has never been made publicly accessible.)</p>

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				<p><i>Allstate Ins. Co. v. Warns</i>, Civil No. CCB-11-1846 (D. Md. Feb. 29, 2012) (denying motion to seal in connection to injunctive relief.)</p> <p><i>Hoffman Bros. Heating, &amp; Air Conditioning, Inc. v. Hoffman Air Conditioning &amp; Heating, LLC</i>, No. 4:19 CV 200 RWS (E.D. Mo. Mar. 28, 2019) (denying motion to seal because customer information can be redacted.)</p> <p><i>Mediacom Communications v. Sinclair Broadcast</i>, 460 F. Supp. 2d 1012 (S.D. Iowa 2006) (denying motion to seal in connection to injunctive relief because the content does not</p>

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				contain proprietary information.)  There is a “common-law right of access to judicial records.” <i>Nixon v. Warner Commc'ns, Inc.</i> , 435 U.S. 589, 597, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978).
205-1	N/A	Ex. B to Declaration of Anne M. Lockner: Pdf screen capture of Fredin’s “Judicial Protest” Rumble account currently hosted at <a href="https://rumble.com/user/JudicialProtest">https://rumble.com/user/JudicialProtest</a>	Kreil takes the position that the document should remain sealed.  Plaintiff Brock Fredin maintains this document must be public.	Kreil states that the document should remain sealed because it reflect content Fredin n an effort to harass and intimidate counsel and the Court in violation of the Court’s Order [Dkt. 39]. The prejudicial effect of preserving it in the public record here outweighs the public interest in accessing it.

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				<p>Fredin states the following:  This is an important First Amendment case where the Court has granted an extraordinarily remedy of an injunction that effectively amounts to a prior restraint. An 8th Circuit Judge has issued a dissent and said that the Court overreached. The public has a right to know what's being said and what has been enjoined. The Court and Defendants have failed to provide a precedent where an entire Court record is sealed when something has been requested to be taken down. Defendants and their counsel are the ones who have caused</p>

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				<p>harm upon themselves by bringing the issue to Court.</p> <p>Plaintiff has been enjoined without a jury, trial, or even a hearing. The public has a right to know what is being enjoined. There is a public interest in what went on. If Defendants and their counsel did not want it in the record, they should have described it, sent links, rather than taken screenshots of content they're deliberately targeting for sealing.</p> <p><i>E.I. Du Pont De Nemours &amp; Co. v. Kolon Indus., Inc.</i>, Civil Action No. 3:09cv058 (E.D. Va. Apr. 20, 2012) (denying motion to seal where it was public knowledge</p>



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				<p>that there was a grand jury investigation against the defendant.)</p> <p><i>Friedman v. Sebelius</i>, 672 F. Supp. 2d 54 (D.D.C. 2009) (holding that it is less harmful to release a document that was once public than to release one that has never been made publicly accessible.)</p> <p><i>Allstate Ins. Co. v. Warns</i>, Civil No. CCB-11-1846 (D. Md. Feb. 29, 2012) (denying motion to seal in connection to injunctive relief.)</p> <p><i>Hoffman Bros. Heating, &amp; Air Conditioning, Inc. v. Hoffman Air Conditioning &amp; Heating, LLC</i>,</p>

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205-2	N/A	Ex. C to Declaration of Anne M. Lockner: Pdf screen capture of Fredin's "Judicial Dissent" YouTube channel currently hosted at <a href="https://www.youtube.com/channel/UCCTfm7nAA-UVDlft7Vc-dSw/videos">https://www.youtube.com/channel/UCCTfm7nAA-UVDlft7Vc-dSw/videos</a>	Kreil takes the position that the document should remain sealed.  Plaintiff Brock Fredin maintains this document must be public.	Kreil states that the document should remain sealed because it reflect content Fredin n an effort to harass and intimidate counsel and the Court in violation of the Court's Order [Dkt. 39]. The prejudicial effect of preserving it in the public record here outweighs the public interest in accessing it.  Fredin states the following: This is an important First Amendment case where the Court has granted an extraordinarily remedy of an injunction that effectively amounts to a prior restraint. An 8th Circuit Judge has issued a dissent and said that the Court overreached. The public

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Dated: February 15, 2022

**ROBINS KAPLAN LLP**

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Dated: February 15, 2022

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